FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **1. Alvaro GOMEZ-Orbe,** **2. Gregory VARAS,** **3. Roberto Jesus LASARTE,** Defendant(s)	Magistrate Case No. '07 MJ 2628 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **November 7, 2007,** within the Southern District of California, defendant **Alvaro GOMEZ-Orbe, Gregory VARAS** and **Roberto Jesus LASARTE** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Saul HERNANDEZ-Palos, Oscar GAMBOA-Garcia**, and **Gerardo CARBAJAL-Tabarez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF NOVEMBER, 2007

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
1.) Alvaro GOMEZ-Orbe
2.) Gregory VARAS
3.) Roberto Jesus LASARTE

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Saul HERNANDEZ-Palos, Oscar GAMBOA-Garcia**, and **Gerardo CARBAJAL-Tabarez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 07, 2007 at approximately 5:10 a.m., Border Patrol Agent D. Chisum observed two vehicles traveling southbound on Jewel Valley Road from the Old Highway 80 intersection. Agent Chisum was performing plainclothes intelligence duties in an unmarked Agency vehicle in and around Boulevard, California. Boulevard is located approximately 20 miles east of the Tecate, California Port of Entry. The first vehicle was a silver Chevrolet Silverado truck. The second was identified as an older model white Ford truck, which appeared to be driven by a single male occupant. Jewel Valley Road, located approximately 20 miles east of the Tecate, California Port of Entry, runs south to the United States/Mexico international border and provides direct access from the border to Interstate 8. Jewel Valley Road is in rural East San Diego County. It has no businesses and only a few homes.

Agent Chisum contacted Border Patrol Agent G. Pettigrew, who was positioned further south on Jewel Valley Road, and told him to be on the lookout for the vehicles. Several minutes later, Agent Pettigrew observed a white Ford truck execute a U-turn and travel back north toward Old Highway 80. The travel method of the vehicle and the time the vehicle was in the Jewell Valley area are indicative of smuggling operations taking place. Agent Pettigrew observed that the truck now appeared to have several occupants in the front seat and appeared to be riding low to the ground, as if carrying a heavy load. Agent Pettigrew immediately contacted Agent Chisum, via Agency radio, and requested that he confirm the number of occupants in the front seat while Agent Pettigrew found a safe area to turn around.

Before Agent Pettigrew was able to turn around, he encountered a subject walking on the shoulder of the road. This subject later identified as defendant **Gregory VARAS**, approached Agent Pettigrew's vehicle expecting to be picked up. When VARAS realized that Agent Pettigrew was a Border Patrol Agent, he became nervous and appeared to be struggling to construct a story. Agent Pettigrew identified himself as a United States Border Patrol Agent and questioned VARAS as to his citizenship. VARAS stated that he was a citizen of the United States and that he just waiting for his friend to pick him up. At this time, the second vehicle that had been observed southbound approached and came to a stop near Agent Pettigrew's vehicle. The driver, identified as defendant **Roberto Jesus LASARTE** stated that he was a United States Citizen and that he was in fact there to pick up VARAS.

While Agent Pettigrew continued his interview of VARAS and LASARTE, Agent Chisum followed the white Ford pick-up truck to Interstate 8, where the driver entered the interstate traveling westbound. At that time, Agent Chisum observed that he could only see one male driver in the cab area of the Ford truck. Agent Chisum followed the truck at a distance while he ran the license plate through San Diego Dispatch. Dispatch advised Agent Chisum that the vehicle was registered out of Hawthorne, California, which is approximately 200 miles north of Boulevard, California.

CONTINUATION RE:
1.) Alvaro GOMEZ-Orbe
2.) Gregory VARAS
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Agent Chisum continued to follow the white Ford pick-up truck westbound until Supervisory Border Patrol Agent P. Metts arrived as back-up. Agent Metts was operating a marked DHS vehicle in full Border Patrol uniform. At this time, the Campo Border Patrol checkpoint at Interstate 8 westbound was contacted in regards to the possible load vehicle heading their way. As Agent Metts' vehicle approached the truck from behind, the driver exited Interstate 8 at the Buckman Springs Exit and appeared to be indecisive as to his next course of action. The Buckman Springs exit is the last exit before westbound vehicles are committed to the I-8 immigration checkpoint and it is a commonly used drop off location for groups of illegal aliens to begin walking around the checkpoint. The driver, later identified as defendant **Alvaro Jesus GOMEZ-Orbe**, then continued through the stop sign, without stopping, and attempted to enter Interstate 8 again westbound. Approximately 100 yards before entering back onto Interstate 8 westbound, GOMEZ brought the vehicle to a stop on the shoulder of the road and all three occupants of the cab of the truck, including the GOMEZ, exited the vehicle via the passenger side door. All three were immediately apprehended and Agent Metts was able to observe GOMEZ from the point he departed the driver seat up until his arrest.

Agents Chisum and Metts approached the truck and immediately observed ten occupants lying prone, unrestrained, in the open bed of the pick-up truck. GOMEZ and the other subjects were questioned as to their citizenship. All thirteen, including GOMEZ, admitted to be citizens and nationals of Mexico without documents that would allow them to enter into or remain in the United States legally. As all subjects were searched and questioned, Agent Metts noticed that all thirteen subjects had pieces of blankets tied to the bottoms of their shoes. This is a commonly used tactic for illegal aliens seeking to conceal their footprints as they enter into the United States. This led Agent Metts to suspect that a different subject had been driving the truck southbound on Jewel Valley Road when it was first observed by Agent Pettigrew. This also led Agent Metts to believe that the subject who Agent Pettigrew had found walking on Jewel Valley Road, VARAS was most likely the original driver of the Ford Pick-up truck. At approximately 5:30 A.M., GOMEZ and all twelve subjects arrested in the Ford were placed under arrest and transported to the Boulevard Border Patrol Station for processing.

Field Operations Supervisor F. Carrillo, now on scene with Agent Pettigrew, was contacted, via Service radio, in regards to Agent Metts observations and suspicions. Agent Carrillo relayed that VARAS and LASARTE both provided conflicting stories as to how VARAS ended up walking along Jewel Valley Road. Also, while both subjects stated that they had been at the Golden Acorn Casino earlier in the night, neither subject was able to explain why they would choose a casino 200 miles from home, nor why they were traveling southeast from the casino when their homes were in a northwest direction. When Agents Carrillo and Pettigrew completed their questioning of VARAS and LASARTE, both subjects were placed under arrest for suspicion of alien smuggling and transported to the Boulevard Border Patrol Station for processing.

CONTINUATION RE:
1.) Alvaro GOMEZ-Orbe
2.) Gregory VARAS
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DEFENDANT STATEMENT (Gregory VARAS):

VARAS was advised of his Miranda rights. VARAS stated that he understood his rights and agreed to provide a statement without the presence of an attorney.

VARAS stated that he was approached by two friends in Hawthorne, California to drive a vehicle to a predetermined place in the eastern most part of San Diego County. VARAS claimed that he had been in the same area several times before to drop off vehicles, but in those instances the aliens that were to be picked-up were not present. VARAS mentioned a subject by the name of Alex who was a Hispanic male adult, heavy set with short hair, was also involved. VARAS stated Alex asked him if he needed a job, and that all he needed to do was drop off a car and he would get paid $500. VARAS stated that he needed money very badly. VARAS stated that Alex never mentioned to him why he was to drop off the truck, but only where he was to drop it off. VARAS stated that he drove a white Ford F-250 to the location on this occasion. VARAS assumed that the reason he was driving the white Ford pick-up truck this time was to drop off the truck so that a group of illegal aliens could load into the truck. VARAS stated that he was called by Alex who informed him when was time to drop off the pickup. VARAS drove the pickup southbound on Jewel Valley Road to an area where the pavement ends, turned around, and drove northbound for a short distance to the area he was to drop off the truck. There he found two men waiting and he left the truck with them. VARAS mentioned that they were already standing outside and that he saw all the subjects get into the vehicle, including one subject that he had seen at Alex's house before. VARAS was told by Alex to leave his phone with the illegal aliens. VARAS claimed that after he dropped off the truck he would walk Jewel Valley Road northbound until a second truck, a 1998 tan Silverado driven by Roberto Jesus LASARTE, would pick him up.

VARAS states that if the Border Patrol had not intervened the following would have taken place: VARAS would ride in the tan Silverado with LASARTE westbound interstate 8 following the white Ford pickup. The two trucks would exit the interstate at Buckman Springs Road and park on the on-ramp to the westbound lanes. At the on-ramp the illegal aliens would exit the vehicle and run north towards the mountains so they could walk around the checkpoint. From this point VARAS would re-enter the white pickup and follow LASARTE through the checkpoint. Both VARAS and LASARTE would wait in of Pine Valley located two miles west of the checkpoint until the group of illegal aliens had successfully bypassed the checkpoint. Once the group was ready, VARAS would drive the white pickup to a small road located near the stop sign on Old Highway 80 and Sunrise Highway. Again, VARAS would exit the truck and allow the illegal aliens to enter it while he would get into the Silverado with LASARTE. VARAS stated that his role was only to drop off the vehicle and not to pick up the aliens.

CONTINUATION RE:
1.) Alvaro GOMEZ-Orbe
2.) Gregory VARAS
3.) Roberto Jesus LASARTE

STATEMENT OF MATERIAL WITNESS STATEMENTS:

Material Witnesses **Saul HERNANDEZ-Palos, Oscar GAMBOA-Garcia and Gerardo CARBAJAL-Tabarez** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana, Baja California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay between $1,400.00 to $1,800.00 U.S. dollars to be smuggled to Los Angeles, California. All the material witnesses stated that two foot guides led them across the border. All the material witnesses stated that they were led to unknown location to wait to be picked up.